

PTO/SB/17 (10-03)

Approved for use through 07/31/2008, OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/019,243
Filing Date	December 21, 2001
First Named Inventor	Richard S. Judson
Examiner Name	
Art Unit	2857
Attorney Docket No.	2458-4042US3

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:Deposit Account Number  
Deposit Account Name50-1293  
Genaissance Pharmaceuticals, Inc.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
 

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 580	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			130.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims		Fee from below	Fee Paid
	-20** =	X		
Independent Claims				
Multiple Dependent				

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 88	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 180	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 180	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,930	2453 685	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 180	1460 180	Petitions to the Commissioner	
1807 50	1807 60	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			0.00
<b>SUBTOTAL (3) (\$)</b>			130.00

(Complete if applicable)

SUBMITTED BY	Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Signature	Sandra L. Shauer	47,934	203-773-1450

Date July 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/019,243  
 Confirmation No.: 3139  
 Applicant: Richard S. Judson et al.  
 Filing Date: December 21, 2001  
 Title: Methods for Obtaining and Using Haplotype Data  
 Attorney Docket No.: 2458-4042US3

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Arlington, VA 22313-1450

Certificate of Facsimile Transmission  
 I hereby certify under 37 C.F.R. § 1.8 that this correspondence  
 is being transmitted by facsimile to the United States Patent  
 and Trademark Office, Commissioner for Patents, TC 1600, at  
 (703)-746-4060 on July 27, 2004.  
Eileen McLaughlin

TRANSMITTAL

In response to the Notice to File Missing Parts of a Nonprovisional Application filed under 37 CFR 1.53(b) dated July 2, 2004, enclosed herewith please find:

1. Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b) (2 pages)
2. Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b)
3. Combined Declaration and Power of Attorney (10 pages), executed 10/31/02 and 11/01/02
4. Copy of Revocation of Power of Attorney & Appointment of New Power of Attorney and Statement under 37 CFR 3.73(b) executed and filed 10/29/03 (2 pages)
5. Fee Transmittal Form (in duplicate)
6. Copy of Verified Certification of Express Mailing Date for submission of application December 21, 2001 (1 page)
7. Copy of page 2 of Form PTO-1449 submitted June 11, 2003 (1 page)

Date: July 27, 2004  
 Registration No. 47,934  
 203-773-1450  
 s.shaner@genaissance.com

By: Sandra L. Shaner  
 Sandra L. Shaner  
 Genaissance Pharmaceuticals, Inc.  
 Five Science Park  
 New Haven, CT 06511

JUL 28 2004  
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 2458-4042US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/019,243  
Confirmation No.: 3139  
Applicant: Richard S. Judson et al.  
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Attorney Docket No.: 2458-4042US3

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Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(b)

This paper is being sent in response to the Notice to File Missing Parts of Nonprovisional Application mailed July 2, 2004. The Notice indicates that the oath or declaration is missing along with the surcharge of \$130.00 for filing the oath or declaration on a date later than the filing date of the application. Additionally, the Notice indicates that there are several problems related to compact disc(s) allegedly submitted with the application and also that the application fails to comply with the requirements of 37 CFR 1.821-1.825.

Enclosed is a Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63 executed by all named inventors. The accompanying Fee Transmittal (PTO/SB/17) authorizes payment of the surcharge fee for filing the Combined Declaration and Power of Attorney on a date later than the filing date of the application to a deposit account number.

With respect to the Power of Attorney included with the Declaration, note that the execution date by the inventors was 10/31/02 and 11/01/02. Subsequently on 10/29/03, the Assignee of this application executed and filed a Revocation of Power of Attorney & Appointment of New Power of Attorney to the practitioners of Customer No. 25106 with the USPTO, a copy of which is included herein.

With respect to the problems related to the compact disc(s) allegedly submitted with the application, Applicants assert that the compact disc associated with this application was NOT submitted as part of the application. Attached is a copy of the Verified Certification of Express Mailing Date enumerating the papers submitted at the time of filing the application on December 21, 2001. No compact disc is enumerated among the documents submitted. A compact disc was



submitted, improperly, as part of the Information Disclosure Statement filed June 11, 2003. The disc submitted as part of the Information Disclosure Statement contained, in electronic pdf format, two PCT publications. A copy of the page (Page 2 of 6) of the Form PTO 1449 referring to the "CD format" for publications WO 00/50639 A2 and A3 submitted June 11, 2003 is attached. Applicants will resubmit these publications in proper form as paper documents in a new Information Disclosure Statement.

With respect to the alleged failure of the application to comply with the requirements of 37 CFR 1.821-1.825, the Notice fails to point out where in the application the Patent Office believes there are sequences that clearly fail to comply with the requirements of 37 CFR 1.821-1.825. Applicants believe that no sequence listing is required for this application as no sequence is present in the application that is at least as long as the minimum sequence length (4 unbranched amino acids or 10 unbranched nucleotides) defined in 37 CFR §1.281(a) that triggers the need for a sequence listing. Consequently, Applicants assert that the application is in compliance with 37 CFR 1.821-1.825.

Applicants respectfully believe that this submission completes the requirements of 37 C.F.R. 1.53(f) and acceptance is respectfully requested. Should any questions arise, or if Applicants or Applicants' Agent can facilitate examination of this application, it is respectfully requested that the undersigned Agent be contacted so that any remaining issues can be resolved.

Date: July 27, 2004  
Registration No. 47,934  
203-773-1450  
s.shaner@genaissance.com

By: Sandra L. Shaner  
Sandra L. Shaner  
Genaissance Pharmaceuticals, Inc.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Washington, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/019,243	12/21/2001	Richard S. Judson	2458-4042US3

CONFIRMATION NO. 3139

25106  
 GENAISANCE PHARMACEUTICALS  
 5 SCIENCE PARK  
 NEW HAVEN, CT 06511

FORMALITIES LETTER



\*OC000000013143091\*

Date Mailed: 07/02/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only a single copy of each disc was provided. A duplicate copy of each compact disc must be provided on Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.

07/28/2004 JBALINAN 000000125 501293 10019243  
 01 FC:1051 130.00 DA

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

*y.g.*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY